



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2006202

**Applicant Name:** Rod Novian, Project Architect, for Linda Smith

**Address of Proposal:** 5803 – 24<sup>th</sup> Avenue NW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for the future construction of a six-story apartment building containing thirty-one (31) residential units. Parking for thirty eight (38) vehicles will be provided in the basement and within the structure at grade. The project includes the demolition of two existing structures and approximately 2,740 cu.yds. of grading.

The following Master Use Permit components are required:

**Design Review** - Section 23.41, Seattle Municipal Code (SMC) with Development Standard Departures:

- 1) To allow a reduction in the required rear setback and to allow the structure to exceed the allowed lot coverage (*SMC 23.45.052.B.2 & SMC 23.45.056.C*); and
- 2) To allow a reduction in the required modulation depth on the west facade (*SMC 23.45.054.B.2*).

**SEPA-Threshold Determination** (Chapter 25.05 SMC).

**SEPA DETERMINATION:**

☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### Site & Area Description

The project site which totals approximately 9,288 square feet is located at the southwest corner of the intersection of 24<sup>th</sup> Avenue NW and NW 58<sup>th</sup> Street in Ballard. There is an improved platted alley along the north property line. Two large Deodar Cedar trees are located on the southeast corner of the site and there is a large cherry tree located in the southerly portion of the site. The subject lot slopes gently downward from the north property line along the alley to the south property line adjacent to NW 58<sup>th</sup> Street. It is not located within any identified or designated Environmentally Critical Area. The property is zoned Multifamily Residential Midrise – Residential Commercial (MR – RC), which allows for limited small commercial uses within a multifamily structure. Additionally, the site is within the Ballard Municipal Center Master Plan boundaries. This master plan outlines specific design guidelines for developments in general and 24<sup>th</sup> Avenue specifically.

Twenty-fourth Avenue is classified as a *minor arterial* and 58<sup>th</sup> Street is a non-arterial street, pursuant to SMC Chapter 23.53. Properties surrounding the site to the north and east are also zoned MR - RC. Properties to the west are zoned Multifamily residential, Lowrise 3 (L-3), a less intensive multifamily residential zone. Properties to the south are zoned Neighborhood Commercial 3 with a sixty-five foot height limit (NC3-65), which allows mixed use development. Development in the area is a mixture of older multi-story, multi-family residential buildings, one-story commercial buildings including the QFC grocery store and the Ballard Public Library. There is no distinct character in the immediate neighborhood. However, Ballard does have distinct elements characteristic of well designed and historic local buildings.

### Proposal

The proposal is to construct a six-story residential building. There will be an at-grade and a sub-grade parking level, an at-grade level with residential units and five floors above divided into residential units. Four two-story units will have direct access from 58<sup>th</sup> Street. The residential lobby with access to the remainder of the units is located mid-site on 24<sup>th</sup> Avenue. Parking will be provided within the structure and accessed from the alley.

The architect redesigned the project to eliminate the small commercial space and make the building exclusively residential. The first two stories of the building will be brick, to provide a strong base, capped by a cornice line. Brick is a dominant building material in old Ballard and the proposed two-story brick facade is in keeping with the area and the Ballard Municipal Center Plan. The upper four floors will be sided with bevel siding (Hardi) and hardi-shingle to give the building a residential character, again capped by a strong cornice to finish the building. All of the open space is being provided at grade or on individual unit decks. The upper floors on the west facade have been stepped back to provide relief to the less intensive L-3 residential zone to the west. All parking will be accessed from the alley. A driveway along the west property line provides access to the below grade parking level. Additional parking is provided on the ground level within the structure and in a garage attached to the structure, adjacent to the alley. The interior has been reconfigured such that there are four two-story townhouse type units with

individual unit entries facing 58<sup>th</sup> Street. These units will be separated from the street by a low brick wall and a wrought iron fence to provide a sense of privacy and security with an open feeling. While the underground parking necessitates the removal of the Deodar cedars, the building has been stepped back from the corner and an arbor with a pedestrian bench will be located at the southeast corner of the site at the intersection of NW 58<sup>th</sup> Street and 24<sup>th</sup> Avenue NW.

### Public Comments

The SEPA comment period for this proposal ended on June 14, 2001. The Department received eleven (11) written comments during the public comment period, related to the preservation of the two Deodar cedar trees and parking impacts associated with the additional density. The design review meetings were well attended.

An Early Design Guidance Public Meeting was held by the Design Review Board for Northwest Seattle on October 9, 2000. Nine (9) members of the public were present at the meeting. Public comment was limited to concerns as to how much parking will be provided and the impact of the proposed development in the neighborhood. Additional written comments were submitted related to the preservation of the Cedar trees.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority for this project:

#### **A-3 Entrances Visible from the Street**

***Entries should be clearly identifiable and visible from the street.***

The Board would like to see multiple entrances at the street level, potentially commercially oriented along 24<sup>th</sup> Avenue and residential along 58<sup>th</sup> Street. The inclusion of two-story townhouse type units with direct access to 58<sup>th</sup> Street should be explored. Treatment of the entrances should include architectural forms, materials and features which establish a human scale rhythm along a wide building facade.

**A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

Materials, scale of the street facade, transparency at the ground level, sidewalk design and pedestrian furniture are all elements which could be incorporated into the project design to encourage human activity along the primary streetscape which is 24<sup>th</sup> Avenue. The Municipal Center Master Plan should be consulted for additional guidance as to design of both the 24<sup>th</sup> Avenue and 58<sup>th</sup> Street corridors to encourage human activity.

**A-5 Respect for Adjacent sites**

*Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

**A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

Open space areas should be carefully sited such that the privacy of neighboring properties is respected and that they provide useful and enjoyable outside spaces which enhance the site and are integrated into the project design.

**A-10 Corner Lots**

*Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

The proposed six-story building will be the most prominent building in the surrounding neighborhood since the remainder of the existing development is less than three stories. The project is also located at a prominent corner at the intersection of a residential street and a highly traveled avenue. The design of the building should relate to and celebrate this corner. The Board would consider a limited departure for side yard adjacent to 58<sup>th</sup> Street if the first thirty to forty feet of the building is brought out to the right-of-way. Since a design which pushes the building out to the corner conflicts with the significant Deodar Cedars located at the corner, the applicant should consider a design which incorporates the one healthy Cedar. If both Cedars will be removed, new ones should be incorporated into the landscape plan and significant landscaping incorporated into the design of this corner.

**B-1 Height, Bulk and Scale Compatibility**

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

The obvious mass resulting from a large building envelope allowed by the zoning designation will have an extremely dramatic and abrupt impact on existing buildings on adjacent sites.

Surrounding properties to the west are zoned multifamily residential (L-3) with a height limit of thirty (30) feet. Due to the difference in height between zones, the proposed building should be sited such that it does not loom over the neighboring residential buildings. Additionally, any walls visible to neighboring properties should incorporate a mix of materials, patterns, textures, modulation and or landscaping to reduce the mass of the walls. The Board indicated that the architect should consider bringing the mass of the building towards 24<sup>th</sup> Avenue and considering this as the front of the lot which provides a larger open area between any proposed building and the less intensive L-3 zone to the west. The Board indicated that they would entertain a departure for a reduction in the front setback, if the front was 24<sup>th</sup> Avenue and if the design was such that the reduction in the setback enhanced the streetscape and allowed a more sensitive transition to neighboring sites, better enabling the project to meet the overall intent of the Design Guidelines.

In addition, care should be taken to design the building such that the top of the building appears lighter and less massive.

#### **C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

The Board encouraged the architect to consider the built environment of Ballard; look at the new Bay Theatre and Old Ballard since the architect has a clean slate to work with. There is no need to mimic the past, but design elements which relate to the history of Ballard should be incorporated into the project design. The Board noted that the architect has the opportunity to set the tone and standard for the area's redevelopment.

#### **C-3 Human Scale**

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

The scale of the building, particularly along the 24<sup>th</sup> Avenue corridor is very important. Elements and pedestrian amenities which lend a more human scale to the facade and the overall building should be incorporated into the design. The Board also noted that architect should consider a two-story masonry type element at the base along the street frontage and then step the upper floors back to give the building a human scale reminiscent of the Ballard character.

#### **C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

Brick and masonry are prominent building materials in Ballard. The architect should consider masonry elements and designs which relate to the industrial/commercial buildings located in downtown and old Ballard.

**D-1 Pedestrian Open Spaces and Entrances**

*Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

Distinctive design elements which relate to the character of Ballard should be incorporated into both the 24<sup>th</sup> Avenue and 58<sup>th</sup> Street entrances and the siting of the residential open spaces.

**D-2 Blank Walls**

*Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.*

Blank walls facing neighboring properties should incorporate a mix of materials, patterns, textures, modulation and or landscaping to reduce the mass of the walls.

**D-4 Design of Parking Lots Near Sidewalks**

*Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.*

If parking is to be provided at grade within the building, the facade should be designed to screen the parking and relate to the remainder of the building so that the area does not look merely like a screen for parking.

**D-6 Screening of Dumpsters, Utilities and Service Areas**

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.*

The Board noted that the dumpster, service and utility areas are located in such a way that they are screened from the pedestrian corridor but also available for access by the residents and service.

**E-2 Landscaping to Enhance the Building and/or Site**

*Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

Landscaping within and around the project site should be designed to compliment the building and the neighborhood and also to enhance the open space areas and street.

**Summary:** The guidance of the Board reflected their concern as to how the proposed project would be integrated into the existing and developing neighborhood.

### **Design Review Board Recommendations**

On January 14, 2002 the Design Review Board convened for a Public Meeting regarding this project, at which time site, landscaping and floor plans, and a rendering were presented for the members' consideration. An interim meeting was held on November 26, 2001 to provide additional guidance to enable the architect to finalize the project design and present it to the Board at the January meeting. Thirteen (13) members of the public was present at this final meeting. Concerns were raised regarding the size of the project and the removal of the Deodar Cedar trees. Members of the public were supportive of the change in design and the incorporation of individual unit entrances on the 58<sup>th</sup> Street facade.

The following *departures* from standards of the Land Use Code were requested by the applicant at the time of the meeting:

- i. *To allow a reduction in the required rear setback and to allow the structure to exceed the allowed lot coverage (SMC 23.45.052.B.2 & SMC 23.45.056.C).*
- ii. *To allow a reduction in the required modulation depth on the west facade (SMC 23.45.054.B.2).*

### **Design Guideline Analysis**

The Board began by commending the project architect for the breadth and clarity of his presentation materials; and for presenting a design which is reminiscent of the industrial character of Ballard and responsive to the Board's previous guidance. The elimination of the ground floor commercial space and commercial design elements helped to clarify the design intent. The building now exhibits a consistent theme and a cohesive design (*Guideline C-2*). The building design is residential in character and reminiscent of historic Ballard buildings (*Guideline C-2*). The materials chosen are in keeping with the area and will yield a quality building (*Guideline C-4*). The two story brick base grounds the building and gives it a human scale (*Guideline C-3*). The building is residential in character and setback from the 58<sup>th</sup> Street right-of-way and will be built out to 24<sup>th</sup> Avenue, consistent with the Municipal Plan (*Guidelines A-4 & A-10*). Individuals unit entrances, landscaping and open space area being provided along 58<sup>th</sup> Street which will enhance the streetscape (*Guidelines A-3, A-7, & D-1*). All the parking will be accessed from the alley which will also preserve the 58<sup>th</sup> Street streetscape (*Guideline D-4*). Finally, open space is being provided between the proposed building and the property to the west and the upper floors on the west facade will be stepped back in recognition of the less intensive L-3 residential zone to the west(*Guidelines A-5 & A-7*).

### **Departure Analysis**

- i. *Rear Yard Setback/Lot Coverage:*

In a Mid-rise zone, the lot coverage is a function of other bulk requirements and shall not be greater than the area which meets the standard development requirements for maximum width, depth and setbacks. Given the subject lot size and orientation, the maximum lot coverage is 5,393 sq.ft. The applicant is proposing a lot coverage of 6,118 sq.ft., an increase of 725 sq.ft. over the maximum allowed. The required rear yard setback in an MR zone is an average of fifteen (15) feet, no less than ten (10) feet. The proposed rear yard set averages 9'6", with a proposed minimum of four (4) feet.\* The westerly half of the proposed structure is setback approximately fifteen feet from the alley right-of-way. The easterly portion of the first two levels extends into the required rear yard, to within two feet of the alley and increases the lot coverage above the maximum allowed by 725 square feet. The requested intrusion into the rear yard and increase in lot coverage is necessary to cover a portion of the proposed parking with a two-story garage with dwelling unit element. Additional open space will be provided above the garage element. Covering the proposed parking shields the required parking from view to minimize the visual impacts from the sidewalk (*Guideline D-4*); provides a unified two-story facade along 24<sup>th</sup> Avenue (*Guideline C-2*); and steps the building up from the alley to lessen the appearance of bulk and provide a transition to the alley (*Guideline B-1*).

*\*DCLU Note: The garages have been stepped back from the alley an additional two feet consistent with the Design Review Board's recommended condition no. 3. While the area of increased lot coverage remains the same because the garage has been widened, the intrusion into the rear yard has been reduced.*

ii. *Modulation:*

The Code provides that for apartments with a structure depth greater than sixty-five percent of the lot depth, as in this case, *all* facades must be modulated consistent with the standards of SMC 23.45.054.D. Required modulation must be a minimum of eight (8) feet deep and ten (10) feet wide. While the modulation provided along the alley, 24<sup>th</sup> Avenue and the 58<sup>th</sup> Street facades is consistent with the modulation standards, the modulation provided on the west facade is 8'6" wide and 4'0" deep, less than the minimum required. The remainder of the building is modulated well in excess of what is required by the Code, which adds interest and reduces the bulk of the building facades (*Guidelines C-1 & C-3*). Additionally, the west facade steps back away from the less intensive L-3 such that it does not loom over the adjacent neighborhood (*Guideline A-5*).

**Summary of Board's Decision:** The recommendations summarized above were based on the plans submitted at that meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the January 14, 2002 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed above) subject to the conditions contained in the Director's analysis below.



### **Director's Analysis**

Since these recommendations were unanimously offered by the four (4) members of the Design Review Board present at the meeting, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board (*SMC Sec. 23.41.014.F.3*).

### **Director's Decision**

The Director of DCLU has reviewed the decision, recommendations and conditions of the Design Review Board, and the design departures; and sets out the following conditions of approval as stated by the Design Review Board (the authority for each condition is referred to by number and letter from the City's Design Guidelines). The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings*. The Director **APPROVES** the subject design consistent with the Board's recommendations above and conditions reiterated below. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on January 14, 2002. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented in the plans available at the January 14<sup>th</sup> public meeting.

### **CONDITIONS**

1. The proposed garage doors facing the alley should be broken up into smaller elements such that they are not a long expanse with no details. ***Guidelines D-2 & D-4***
2. The brick column at the corner of the building between the garages and the 24<sup>th</sup> Avenue NW right-of-way, at the alley, should be widened to give a stronger presence and minimize the garage doors which will be visible from the sidewalk as one travels south on 24<sup>th</sup> Avenue. ***Guideline D-4***
3. The garages should be set back from the alley right-of-way to widen the feel of the alley and to make the garage element more a part of the structure and to appear less of an add on to screen the parking within. ***Guideline D-4***
4. The mass of the stair tower at the westerly end of the building should be minimized and de-emphasized to limit the appearance of bulk above the top of the building. ***Guideline B-1***

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 1, 2001. The information in the checklist; project file and plans; and, the experience of the lead agency with review of similar projects form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

The SEPA Overview Policy (SMC 25.05.665 D) states “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”, subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction and demolition; potential soil erosion during grading, excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts may be adverse. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Noise - There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the residents and commercial tenants in the surrounding residential and commercial buildings. Due to the proximity of other residential uses located to the west, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

Grading - Earth/Soils – The site is relatively flat and is not located in any identified or designated Environmentally Critical Area (ECA). The construction plans will be reviewed by DCLU for compliance with all Code requirements. Any additional information required to show conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves cuts of greater than three feet in height and the excavation of approximately 2,750 cubic yards of material and thus is subject to the provisions of the Stormwater, Grading and Drainage Control Code. These Code provisions provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by the DCLU Geotechnical Engineer and Building Plans Examiner who may require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary. Therefore, no further conditioning for soils or grading activities is warranted pursuant to SEPA policies.

Traffic – The hauling of excavated material will entail approximately 180 truck loads. The site is in close proximity to NW Market Street, a principal arterial, which provides access to State Route 99 and Interstate 5 and Interstate 405. Truck haul routes are available consistent with the existing City code provision (SMC 11.62) which requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

Air and Environmental Health - Given the age of the existing structures on the site, they may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance

of a demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

### Long-term Impacts

No significant adverse long-term or use-related impacts associated with approval of this proposal are anticipated. Adopted City codes and/or ordinances provide mitigation for potential impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code (if applicable) which will require insulation for outside walls and energy efficient windows. It is estimated that the project, upon completion, will generate approximately 200 average daily trips, 15 AM and 20 PM Peak Hour trips (ITE manual). The additional trips will not have a significant adverse impact on neighborhood traffic flow and intersections. The project site has access to local and express service transit routes in the nearby vicinity. There are also many dining, shopping, educational, health care, entertainment and recreational opportunities within walking/bicycling distance and along the public transit routes. The proposal is not expected to have a significant adverse impact on the traffic flow and or pedestrian and vehicle safety on either 24<sup>th</sup> Avenue NW or NW 58<sup>th</sup> Street.

Historic Preservation – The existing duplex was constructed in 1899. As such, the proposal was referred to the Historic Preservation Officer at the Department of Neighborhoods (DON) on May 9, 2002 consistent with the DCLU – DON Interdepartmental Agreement on Review of Historic Buildings During SEPA Review. Based on a review of the historical information on the subject duplex, the Department of Neighborhoods determined that it is unlikely that the structure would meet the standards for landmark designation. Thus, the future demolition of the duplex and construction of the proposed residential structure will not have any adverse historic preservation related environmental impacts. No mitigation measures are necessary.

Plants – Given the presence of the two large Deodar cedar trees at the corner of the site and the public comments related to the preservation of these trees, additional discussion is warranted. Deodar cedars are a fast growing species not native to the area or to North America. An assessment of the two cedars was prepared by the City's arborist. The smaller of the cedars was topped long ago and exhibits poor structure in the upper canopy, thus is not an ideal specimen for preservation. The larger of the cedars is in good condition and could be preserved. Based on this assessment, the applicant was required to study the feasibility of preserving the cedar tree which is in good condition. Preserving the tree above ground is much more simple than preserving the root structure below ground. A large tree such as the subject cedar has an extensive root structure and while the building above grade could be moved away from the tree, there remains the issue of the parking level below grade. It is during the excavation that damage to a tree is likely to occur. The applicant provided a feasibility study to the City which indicated that it was not possible to save the cedar tree for the following reasons: Moving the building away from the corner would push it to the west, towards the less intensive L-3 zone, increasing the potential that the building would appear to loom over the residences to the west, contrary to the Board's guidance and the Design Guidelines. The underground parking structure consumes the whole site. Moving the below grade portion of the structure such that one tree could be

preserved would reduce significantly the amount of parking which could be provided, which impacts the number and affordability of the units which could be constructed by reducing the number and increasing the cost and thus affordability of the units. Finally, the subject trees would not be considered *exceptional trees* under SMC 25.11 because they are an introduced species. To mitigate for the loss of the two cedar trees, the building has been set back from the corner of the site at the intersection of 58<sup>th</sup> Street and 24<sup>th</sup> Avenue, the corner area will be landscaped and a bench and arbor will be provided on the exterior of the site, available for use by pedestrians as a place of respite as they travel in the area past the project site. No further plant related mitigation measures are necessary.

Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of the potential long term impacts and no conditioning is warranted by SEPA.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITIONS – SEPA**

The owner/applicant shall:

#### **Prior to issuance of MUP**

1. Comply with the conditions of the Design Review Board contained within the Design Review Recommendations, dated January 14, 2002.

Prior to issuance of Demolition or Construction Permits

2. The owner(s) and/or responsible party(ies) shall submit a copy of the PSCAA permit prior to issuance of a demolition permit, if a PSCAA permit is required.

During Construction

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

Compliance with all conditions must be verified and approved by the Senior Land Use Planner for the area, Cheryl Waldman, 233-3861 at the specified development stage, as required by the Director's decision. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: \_\_\_\_\_ (signature on file) Date: May 22, 2003  
David Graves, AICP, Contract Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

CM'P; vc